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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,103	04/16/2004	Jean-Michel Karam	790_025	9339
25191	7590	01/22/2007		
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			EXAMINER NASSER, ROBERT L	
			ART UNIT 3735	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/826,103

Applicant(s)

KARAM ET AL.

Examiner

Robert L. Nasser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The means for disclosed sterilizing are not part of the device. Hence, the device does not include means for sterilizing and this feature is not disclosed. Clarification is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Waterbury 4733383. Waterbury teaches a wrist watch, which is a which has a sensor 22 to measure skin parameters, a temperature sensor (see column 10, lines 49-54), temperature, and a processor to receive signals from the sensor to determine a radiation dosage received by the skin, which is a chemical property of the skin. Claim 5 is rejected in that the base is fixed. Claim 6 is rejected in that the wrist watch is mobile. Claim 8 is rejected in that the wrist watch has a display.

Claims 1, 2, 3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al 4813412. Claim 1 is rejected in that Yamazaki et al shows a device with a plurality of skin condition sensors that are "arranged in a acquisition region" and a processor for determining skin condition from the sensors. Claim 2 is rejected in that there is a pH sensor 2, a moisture sensor 1, and a fingerprint sensor 6, which is a ccd camera and is capable of sensing a finger contour. Claim 3 is rejected in that there is also a temperature sensor 3. Claim 8 is rejected in that there is a display 14. Claim 9 is rejected that each of the sensors is a mobile component. Hence, there are a plurality of mobile components.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al in view of Haddock et al 6712771. Haddock teaches that a MEMS temperature sensor is a known temperature sensor. Hence, it would have been obvious to modify Yamazaki to use a MEMS device, as it is merely the substitution of one known equivalent sensor for another.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waterbury in view of Haddock et al 6712771. Haddock teaches that a MEMS temperature sensor is a known temperature sensor. Hence, it would have been obvious

to modify Yamazaki to use a MEMS device, as it is merely the substitution of one known equivalent sensor for another.

Claims 7, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. The examiner takes official notice that it is well known to wirelessly transmit sensor signals using rf transmission from the sensor to the processor, to allow the user mobility during measurement. Hence, it would have been obvious to modify Yamazaki to use a wireless connection, to increase patient comfort. Claim 12 is rejected in the examiner takes official notice that it is well known to sterilize medical equipment between uses.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waterbury. The examiner takes official notice that it is well known to wirelessly transmit sensor signals using rf transmission from the sensor to the processor, to allow the user mobility during measurement. Hence, it would have been obvious to modify Yamazaki to use a wireless connection, to increase patient comfort. Claim 12 is rejected in the examiner takes official notice that it is well known to sterilize medical equipment between uses.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al in view of Ouellette 5938593. Yamazaki states that it selects a cosmetic product based on the skin condition, but does not disclose how. Ouellette teaches a method to select a product by classifying the skin type based on measurements, i.e. as dry, oily etc, and then accessing a database of products to select

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the product. Hence, it would have been obvious to modify Yamazaki et al to use such a method, as it is merely the selection of a known selection mechanism in the art.

Applicant's arguments filed 11/8/2006 have been fully considered but they are not persuasive.

With respect to the written description rejection of claim 1 2, the section applicant's refer to clearly disclose a sterilizing means. However, they do not state that it is part of the device. In fact two of the three examples are clearly external to the device. The third is unclear at best. The examiner suggests applicant recite a system, and the rejection will be withdrawn.

With respect to the Waterbury patent, applicant has argued that Waterbury does not have multiple sensors. However, in column 10, Waterbury states that it has the sensor 22 and also a temperature sensor (see lines 49-54).

With respect to Yamazaki, applicant has stated that there is no suggestion that the devices are grouped together in the same region. The examiner notes that this is no convincing for two reasons. First, there is some region of some size, that incorporates all of the devices. Second, the limitation in question is an intended use limitation and is met if the prior art is capable of the use. Here, the devices clearly can be grouped in the region where the test area is intended to be placed.

THIS ACTION IS MADE FINAL.. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert L. Nasser whose telephone number is 571 272-4731. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Robert L. Nasser
Primary Examiner
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RLN
January 11, 2007

Robert L. Nasser